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**FILED**

DISTRICT COURT OF GUAM

JUL 25 2007 *mbc*

MARY L.M. MORAN  
CLERK OF COURT

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF GUAM**

10 UNITED STATES OF AMERICA, )

11 Plaintiff, )

12 vs. )

13 DARRELL SCOTT VILLA STEWART, )

14 Defendant. )  
15

CRIMINAL CASE NO. 07-00063

**UNITED STATES APPLICATION  
FOR CRIMINAL SEIZURE  
WARRANT FOR ONE 2003  
MAZDA PROTÉGE AUTOMOBILE  
VIN JM1BJ245X31205914**

16  
17 COMES NOW the United States of America, by and through undersigned counsel, and  
18 moves this Honorable Court to issue a criminal seizure warrant for one 2003 Mazda Protégé  
19 automobile, VIN JM1BJ245X31205914. On July 25, 2007, an Indictment was returned which  
20 alleges that all of the interest in said defendant 2003 Mazda Protégé automobile is subject to  
21 forfeiture in the event of conviction. The return of the Indictment constitutes the requisite  
22 probable cause for the forfeiture of the property.

23 The Affidavit attached hereto and incorporated by reference herein sets forth the reasons  
24 why an order under Title 21, United States Code, Section 853(e) may be inadequate.

25 Accordingly, the United States asserts that the Court should issue a criminal seizure  
26 warrant as authorized under Title 21, United States Code, Section 853(f) because:  
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1 1) There is probable cause to believe that the property to be seized would, in the event of  
2 conviction, be subject to forfeiture, and

3 2) An order under Title 21, United States Code, Section 853(e) may not be sufficient to  
4 assure the availability of the property for forfeiture.

5 Respectfully submitted this 25th day of July, 2007.

6 LEONARDO M. RAPADAS  
7 United States Attorney  
8 Districts of Guam and NMI

9 By:

10   
KARON V. JOHNSON  
Assistant U.S. Attorney

1                   **AFFIDAVIT IN SUPPORT OF ARREST WARRANT IN REM**

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3           I, MICHELLE JONG, being first duly sworn, do depose and say:

4           1. That I am a Special Agent employed with the Drug Enforcement Administration and  
5 make this affidavit in the course of my official duties;

6           2. That I have reviewed the police reports filed by the Guam Police Department, case  
7 number 07-16243, and make this affidavit based upon the contents of those reports;

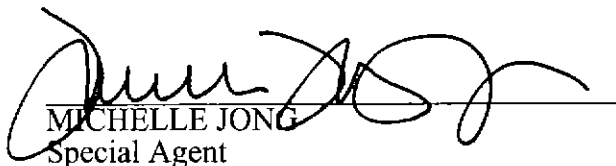
8           3. That on August 29, 2006, an informant working with the Violent Street Crimes Unit  
9 of the Guam Police Department (GPD) made a controlled buy of methamphetamine  
10 hydrochloride (ice) from Darrell S.C. Stewart. This controlled buy was preceded by a  
11 consensually recorded telephone calls, and was observed to occur in the parking lot of the East  
12 West Business Center in Upper Tumon by GPD officers M.C. Perkins and M.L. Elliott, among  
13 others.

14           4. According to the reports written by Officers Elliott, M.C. Perkins and C.J.Nesmith,  
15 defendant Stewart arrived at the East West Business Center parking lot driving a silver 2003  
16 Mazda Protégé, license MNG 5502. The informant had been given \$200 in buy money. The  
17 informant subsequently told the officers that he purchased from Stewart a plastic baggie which  
18 was later analyzed and found to contain .3944 grams net weight of methamphetamine. The  
19 informant said Stewart got out of his vehicle, the silver 2003 Mazda Protégé, and gave him the  
20 baggie while standing on the passenger side of the informant's vehicle. It is apparent, therefore,  
21 that the vehicle was used to transport the methamphetamine to the site of the sale.


22           5. An order under Title 21, United States Code, Section 853(e) may not be sufficient to  
23 assure the availability of the property for forfeiture because there is reason to believe that the  
24 automobile is in the custody of defendant, who cannot reasonably be relied upon to abide by an  
25 order to maintain the vehicle in substantially the same condition as it is in the present time. The  
26 value of such vehicles depreciates with time, and is dependent on the physical and mechanical  
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1 condition of the vehicle. As well, vehicles are easily hidden on Guam, and can be difficult to  
2 locate. The only way to ensure that it does not further depreciate in value is to put it in the  
3 custody of the U.S. Marshal's Service.

4 FURTHER AFFIANT SAYETH NAUGHT.

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6   
7 MICHELLE JONG  
8 Special Agent  
9 Drug Enforcement Administration

10 SUBSCRIBED AND SWORN to before me this 25th day of July, 2007.

11   
12  
13 Notary Public

14 **CARMELLETA Q. SAN NICOLAS**  
15 Notary Public  
16 In and for Guam, U.S.A.  
17 My Commission Expires: Aug. 15, 2010  
18 Sirena Plaza, Ste. 500,  
19 108 Hernan Cortez Avenue  
20 Hagatna, Guam 96910

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25  
26  
27 ATTACHMENT